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**File Code:** 1570; 2320  
17-02-00-0108-218B  
**Date:** OCT 31 2017

Evan Ravitz  
2446 7th Street  
Boulder, CO 80304

Dear Mr. Ravitz:

On August 14, 2017 you filed an objection challenging the Maroon Bells-Snowmass Wilderness Overnight Visitor Use Management Plan on the White River National Forest. The legal notice for this project's draft decision notice was published in the Glenwood Springs Post Independent on June 29, 2017, which initiated the 45-day objection filing period. Your objection was filed timely and was reviewed pursuant to Title 36 of the Code of Federal Regulations, Part 218 (36 CFR 218).

I appreciate your involvement in the management of the White River National Forest and your participation in the September 22, 2017 objection resolution meeting. Based on the information exchanged during that meeting, I offered potential resolution to your objection via a phone call between you and Ken Tu, Administrative Review Coordinator. Since you did accept my resolution proposal, I am providing you with a written response to your objection as required by 36 CFR 218.11(b).

### **Project Subject to Objection**

The Maroon Bells-Snowmass Wilderness Overnight Visitor Use Management Plan (Plan) seeks to preserve the natural conditions of the Wilderness by addressing the biophysical effects resulting from overnight use while providing opportunities for primitive and unconfined recreation. Two alternatives were analyzed in detail: Alternative 1 – No Action and Alternative 2 – Proposed Action.

The Proposed Action translates Forest Plan standards and guidelines into measurable indicators and thresholds for camping zones for the entire Wilderness, and defines how many Groups At One Time (GAOT) can camp overnight per Wilderness Zone. If the GAOT threshold is exceeded, management actions and/or a mandatory overnight use permit system would then be triggered to retain or restore the desired conditions of the Wilderness. The Plan is adaptive and entails a suite of management actions that may be implemented operationally or through a Forest Service Special Order. The management actions would be phased in from least restrictive to more restrictive following the "minimum tool" intent of Wilderness stewardship.

### **Objection Responses**

**Objection Issue 1** – On January 25, 2017 I asked to be notified of any comment period about this project. Even though that was during the time of the scoping I was not ever notified. Thus





some 500 members of Friends of Conundrum Hot Springs never knew about your extremely secret and insanely complicated "public" process. (0108)

**Response** – The Forest Service recognizes that you made a request on January 25, 2017 to be added to the mailing list, and you and Friends of Conundrum Hot Springs were inadvertently not added. However, comments submitted by you outside the comment period have been considered and you have been given standing to object due to this error. The Issues Tracking Table spreadsheet in the project record demonstrates your comments were considered and addressed.

There were ample opportunities for public comment and the Forest considered all comments received and documented how they were addressed (Environmental Assessment, Appendix 1). The legal notice and announcement of a 30-day opportunity to comment period, as well as the website for project information, was published on November 2, 2016, in the Post Independent. A second notice published in the Post Independent on March 29, 2017 alerted the public of the availability of Plan and the draft Environmental Assessment (EA), the website where both documents could be obtained, and requested comments on either document to be submitted within 30 days. A press release announcing the availability of these documents was also published on March 29, 2017. A press release announcing the opportunity to object was published on June 27, 2017. A third legal notice notifying the public of the opportunity to object to the project, as well as the website where the draft decision, EA, and Plan could be obtained, was published in the Post Independent on June 29, 2017.

**Objection Issue 2** – The paragraphs below mean that public input is ignored because the authorized officer will be an absolute dictator, with no further public input or even analysis. This process is rigged to exclude as much of the public as legally possible, and the plan is unacceptable in a Democratic Republic. (0108)

"Management actions may be implemented operationally or through a Forest Service Special Order without further analysis in an effort to retain or return to the desired conditions." (From the Draft Decision Notice) Also:

"An affirmative decision on the adoption of this plan authorizes implementation of the management tools contained therein but does not dictate implementation methods or associated fees if a permit system is triggered. The Authorized Officer will consider implementation methods..."

**Response** – The Forest Service has integrated formal public involvement into planning activities at several junctures during the planning process. Pursuant to Forest Service regulations for implementing the National Environmental Policy Act at 36 CFR 220 as well as the directives contained in Forest Service Manual 1909.15, the public is notified of projects during the proposal stage (via the Schedule of Proposed Actions, published quarterly or available anytime online), when a proposed action has been developed and comments on that action are sought (via legal notice and scoping letter), and again when environmental analysis of the proposed action and alternatives is completed, a draft decision has been prepared, and an opportunity to object is provided (via legal notice). The Forest Service provided an additional opportunity for public input for this project when the Plan and EA were released for public review and comment prior to a draft decision being formulated. Specific dates for each of these are provided above in the

response to the previous objection issue.

The Plan clearly defines the suite of potential management actions that may be taken as well as detailing the process, indicators, and thresholds that would trigger the need to take action. The EA analyzed and disclosed the impacts associated with the proposed action as well as impacts associated with not taking action. Appendix 1 of the EA as well as the Issues Tracking Table spreadsheet demonstrates that public input was considered and used to shape and refine the Plan. The additional comment period for the Plan and EA went beyond the minimum requirements for formal public involvement in a planning project. The public was not excluded from this process and the decision maker will not be a "dictator". Furthermore, should there be a need to charge fees for overnight permits via the Federal Land Recreation Enhancement Act, a separate public process would be required and initiated at that time.

The Forest has followed all relevant law, regulation, and policy with regards to public involvement for this project. An additional opportunity to comment on the Plan and EA was also provided prior to release of a draft decision and public input led to changes in the Plan.

### **Conclusion**

Based on my review of your objection, the Environmental Assessment and objection record, I find no violation of law, regulation or policy. Therefore, your suggested remedy is denied. Based on resolution of another objection filed for this project, instructions have been given to the responsible official, White River Forest Supervisor Scott Fitzwilliams. As required by 36 CFR 218.12(a) Forest Supervisor Fitzwilliams cannot sign a decision for this project until all instructions have been addressed.

If you have any questions or concerns regarding this letter, please contact Ken Tu, Administrative Review Coordinator, at 303-275-5156 or [kktu@fs.fed.us](mailto:kktu@fs.fed.us). This response is not subject to further administrative review by the Forest Service or Department of Agriculture pursuant to 36 CFR 218.11(b)(2).

Sincerely,



MARIBETH GUSTAFSON  
Deputy Regional Forester

cc: Scott Fitzwilliams, Karen Schroyer, Ken Tu